

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

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In the Matter of)
)
Application by BellSouth)
Corporation et al. for Provision of)
In-Region, InterLATA Services in)
South Carolina)

CC Docket No. 97-208

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

HYPERION'S RESPONSE TO BELL SOUTH'S MOTION TO STRIKE

BellSouth has moved to strike Point 2 (pp. 2-4) of the Reply Comments submitted by Hyperion Telecommunications, Inc. ("Hyperion"), on the ground that it presents a new argument. It does not. In Point 2 of its Reply Comments, Hyperion argued that BellSouth's application was premature because it relied on interim rates which 1) will be replaced within a short period by permanent rates, 2) are not cost-based and 3) are not geographically deaveraged. All these arguments had been made by others in the initial comments.¹ All Hyperion did in its Reply Comments was to assemble these arguments in a single short discussion, pointing out they supported the conclusion that the application was premature. That these arguments were not new is evidenced by the fact that BellSouth itself, in its Reply Brief, attempts to respond to them (at pp. 28-30). BellSouth not only had an opportunity to respond; it exercised that opportunity.

The only ground for striking Hyperion's discussion would be to conclude that a reply commenter cannot endorse and comment on points made by other initial commenters, but is

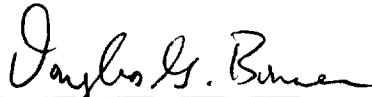
¹ See Initial Comments of Sprint Communications at 20, 23-27; MCI at 38-39, 41-43; ALTS at 21-22; ACSI at 26-27; Vanguard Cellular at 13-15; AT&T at 40-41; and South Carolina Consumer Advocate at 4-5, 6-7. All three points were also made in the DOJ Comments at 41-45.

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confined to points made in its own initial comments. That would be an unnecessarily cramped view of the comment process and would serve no conceivable purpose. Hyperion's discussion in Point 2 of its Reply Comments was not a new argument and did not deprive BellSouth of its opportunity to respond. BellSouth's Motion to Strike should be denied.

Respectfully submitted,



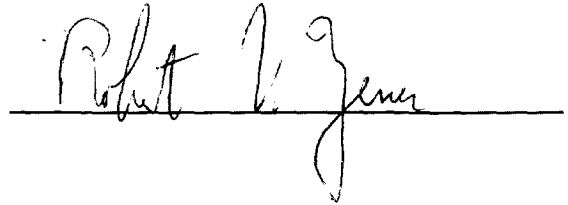
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December 10, 1997

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing HYPERION'S RESPONSE TO BELLSOUTH'S MOTION TO STRIKE were served to each on the attached mailing list, either by Hand Delivery (as designated with an asterisk (*)), or by First Class Mail, postage prepaid, this 10th day of December 1997.

A handwritten signature in cursive script, appearing to read "Robert L. Jones", is written over a horizontal line.

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